

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

HUSSAIN D. VAHIDALLAH,

Plaintiff,

vs.

CENTER FOR MEDICARE AND
MEDICAID SERVICE - CMS,

Defendant.

CASE NO. 08cv843-L (JMA)

**ORDER DENYING PLAINTIFF'S
MOTION TO PROCEED *IN FORMA*
*PAUPERIS***

Plaintiff Hussain D. Vahidallah filed a complaint claiming that Defendant denied him Medicare benefits in violation of the Americans with Disabilities Act. Concurrently he filed a Motion and Declaration Under Penalty of Perjury in Support of Motion to Proceed *in Forma Pauperis* ("IFP Motion"). For the reasons which follow, Plaintiff's IFP Motion is **DENIED**.

All parties instituting any civil action, suit or proceeding in a United States District Court must pay a filing fee. *See* 28 U.S.C. § 1914(a). An action may proceed despite a plaintiff's failure to prepay the entire fee only if the plaintiff is granted leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a). *See Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999). Plaintiff's declaration is incomplete. For example, Plaintiff has not provided all the information requested in items no. 2, 4, 6, 7 and 9.

1 Plaintiff's IFP Motion is therefore **DENIED**, and the complaint is **DISMISSED**
2 without prejudice. Pursuant to this order, Plaintiff is granted 60 days' leave to pay the
3 filing fee required to maintain this action pursuant to 28 U.S.C. § 1914, or to submit the
4 required information regarding his financial status. **IF PLAINTIFF CHOOSES TO**
5 **FILE ADDITIONAL INFORMATION REGARDING HIS POVERTY, HE MUST**
6 **ATTACH A COPY OF THIS ORDER.**

7 **IT IS SO ORDERED.**

8
9 DATED: May 12, 2008

10 
11 M. James Lorenz
United States District Court Judge

12 COPY TO:

13 HON. JAN M. ADLER
UNITED STATES MAGISTRATE JUDGE

14 ALL PARTIES/COUNSEL
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